

Message Text

CONFIDENTIAL

PAGE 01 KHARTO 02155 251519Z

42

ACTION AF-18

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P R 251415Z SEP 73

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC PRIORITY 7160

INFO USINT CAIRO

USINT ALGIERS

AMEMBASSY AMMAN

AMEMBASSY JIDDA

AMEMBASSY TRIPOLI

AMEMBASSY TUNIS

AMEMBASSY BRUSSELS

AMEMBASSY BEIRUT

C O N F I D E N T I A L KHARTOUM 2155

E.O. 11652: N/A

TAGS: SNS SU

SUBJ: MAGISTERIAL INQUIRY OF BSO TERRORISTS

REF: KHARTOUM 1732

1. SUMMARY. MAGISTERIAL INQUIRY OPENED SEPT 25 FOR PERIOD OF ONE HOUR AND THEN ADJOURNED UNTIL NOVEMBER 13 ON REQUEST OF ACCUSED. EMB RECOMMENDS DEPT PUBLIC COMMENTS CONTINUE STRESS CONFIDENCE SUDANESE JUDICIAL PROCESS, NOTING DATE FIXED FOR NEXT SESSION (SHORTLY AFTER END MOSLEM FASTING MONTH). END SUMMARY.

2. INQUIRY CONVENES: MAGISTERIAL INQUIRY OF BSO TERRORISTS OPENED AS SCHEDULED ON SEPT 25 AT 11:30 AM IN PEOPLE'S ASSEMBLY HALL. ALL TEN ACCUSED PRESENT AND ENTERED COURT SHOUTING "LONG LIVE PALESTINE" AND GIVING V FOR VICTORY SIGN (DRAWING ENTHUSIASTIC RESPONSE FROM SOME CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KHARTO 02155 251519Z

35 PALESTINIAN STUDENTS SEATED IN BLOC IN PUBLIC GALLERY).

MAGISTRATE OPENED PROCEEDINGS BY GIVING SHORT SPEECH NOTING THAT DEFENSE WOULD BE GIVEN EVERY CHANCE FOR JUSTICE.

3. PROSECUTOR'S STATEMENT: PROSECUTOR ABDEL MONEIM MUSTAFA THEN MADE PRESENTATION IN WHICH HE STATED CASE INVOLVED DEATH THREE DIPLOMATS WHICH PROVED THROUGH STATEMENT OF WITNESSES AND CONFESSIONS OF ACCUSED. RIDZI QAS, PRESUMED LEADER OF TERRORISTS, INTERRUPTED TO OBJECT TO PROSECUTOR GOING INTO DETAILS. MAGISTRATE STOPPED HIM, SAYING HE WOULD HAVE HIS CHANCE AFTER PROSECUTOR FINISHED. MUSTAFA WHEN ON TO NOTE SUDANESE SUPPORT FOR, AND APPRECIATION OF, PALESTINIAN CAUSE, BUT THEN REITERATED POINT MADE BY NIMEIRI LAST MARCH THAT SUCH SUPPORT DID NOT INCLUDE CONDONING MURDER. THIS ACT WAS NOT IN INTEREST OF--IN FACT, HURT--PALESTINIAN CAUSE. IT WAS VIOLATION OF SUDANESE TERRITORY AND SUDANESE LAW.

4. RIDZI QAS STATEMENT: MAGISTRATE THEN GAVE RIDZI QAS CHANCE TO SPEAK. RIDZI QAS STATEMENT SOMEWHAT LENGTHY. HE SAID HE FELT AS IF SUDAN WERE HIS OWN COUNTRY AND WAS SURE SUDANESE JUSTICE WOULD BE IMPARTIAL. NOTED FREQUENT NIMEIRI STATEMENTS THAT ISRAEL IS "ADOPTED CHILD OF USA" AND THAT US SUPPORTS ISRAEL WITH MATERIAL AID. HE SAID HE AND HIS COLLEAGUE INNOCENT OF ANY CRIME AND PROUD OF THEIR ACT WHICH WAS A "REVOLUTIONARY DEED". HE SAID THEY KNEW TRIAL WAS SYMBOLIC AND THAT SUDANESE PEOPLE DID NOT WISH TRY THEM. BSO HAD HAD NO INTENTION INSULT GOS OR SAUDIS. HE NOTED TIMING OF MAGISTERIAL INQUIRY IN SEPTEMBER ON THIRD ANNIVERSARY OF 1970 FIGHTING IN JORDAN WHICH HE CLAIMED CONNECTED WITH FORMER SECY ROGERS' INITIATIVE. WITHOUT THIS SEPTEMBER SLAUGHTER THERE WOULD HAVE BEEN NO BSO. HE STRESSED DEFENDANTS ARAB'S FIRST, THEN PALESTINIANS, NOTED THEIR ACTIONS NOT UNPRECEDENTED, AND CLAIMED IN SUDANESE HISTORY MAHDI AND KHALIFA HAD TAKEN SIMILAR STEPS INCLUDING ORDERING DEATH OF GORDON (ERRONEOUS). ICSUM, CASE CLEAR AND NEEDED NO DEFENSE. BUT THEY NEEDED LAWYERS TO ADVISE ON LEGAL PROCEDURES. SOME OF THESE NOT PRESENT AND SOME OF ARAB LAWYERS FROM OUTSIDE

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KHARTO 02155 251519Z

HAD NOT YET ARRIVED. FOR THIS REASON, THEY REQUESTED POSTPONEMENT UNTIL BOTH SUDANESE AND ALL OUTSIDER ADVOCATES COULD BE PRESENT.

5. ADJOURNMENT GRANTED: MAGISTRATE RESPONDED BY ASKING DEFENSE SUGGEST DATE WHEN IT MIGHT BE READY AND GRANTED RECESS FOR DISCUSSION THIS DECISION. AFTER TEN MINUTES, INQUIRY RESUMED AND CHIEF OF DEFENSE LAWYERS (SPEAKING

FOR FIRST TIME) ASKED FOR ADJOURNMENT UNTIL NOV 13. MAGISTRATE THEN ASKED FOR PROSECUTION VIEWS. MUSTAFA NOTED PROSECUTION WANTED DEFENSE HAVE AMPLE TIME AND PROPER ATMOSPHERE FOR PRESENTATION CASE. SUCH TIME ALREADY GRANTED, BUT HE AGREED SOME OF LAWYERS NOT PRESENT AND, IF IT WAS WISH ACCUSED HAVE MORE TIME, HE HAD NO OBJECTION. ON THIS BASIS, MAGISTRATE GRANTED POSTPONEMENT AS REQUESTED.

6. ATMOSPHERE OF INQUIRY: INQUIRY WAS OPEN WITH PASSES BEING ISSUED ON FIRST COME, FIRST SERVE BASIS. GALLARIES WERE CROWDED BUT WITH APPARENTLY ONLY TWO OR THREE FOREIGN PRESSMEN ONLY NON-SUDANESE WERE SEARCHED ON ENTRY (SEARCH INCLUDED IN PARTICULAR PALESTINIAN STUDENTS WHO APPARENTLY CAME AS GROUP). DEFENSE LAWYERS PRESENT NUMBERED EIGHT, OUT OF ORIGINAL 22, WITH SOME ADDITIONAL TEN SUDANESE SITTING IMMEDIATELY BEHIND DEFENSE. SHAFIG ARSHIDAT, SEC GEN ARAB LAWYERS ASSOCIATIONS, AND SEVERAL NON-SUDANESE ARAB LAWYERS ALSO ON FLOOR OF COURT, BUT NOT DIRECTLY CONNECTED WITH DEFENSE. DEFENDANTS WELL GUARDED BUT APPEARED WELL TREATED, CAREFULLY DRESSED, ETC. MOST OF AUDIENCE SUDANESE AND GENERALLY QUIET DURING PROCEEDINGS ALTHOUGH SOME JOINED STUDENTS IN RESPONDING TO SHOUTS OF DEFENDANTS UPON INITIAL ENTRY INTO COURT-ROOM.

7. COMMENT: MAGISTRATE'S ACTION SEEMS HAVE BEEN REHEARSED SEPT 24, SINCE REPORTS INDICATE DEFENSE AND PROSECUTION MET WITH HIM THEN "TO AGREE ON PRESENTATION OF CASE". WHILE CLEARLY REGRETTABLE, ADJOURNMENT FURTHER DELIBERATION MAGISTERIAL INQUIRY IS NO SURPRISE AND CONSISTENT WITH PRIOR SUDANESE CONFIDENTIAL

CONFIDENTIAL

PAGE 04 KHARTO 02155 251519Z

JUDICIAL EMPHASIS ON PROVIDING MURDERERS FULL OPPORTUNITY FOR DEFENSE. MOREOVER, ARREST AND DETENTION OF D NUMBER OF DEFENSE ATTORNEYS PROVIDED NEW ELEMENT AND POSTPONEMENT TILL NOV 13 DOES NOT APPEAR UNREASONABLE (FASTING MONTH OF RAMADAN BEGINS ABOUT SEPT 28). WE ALSO NOTE THAT NOV 13 DATE WAS PROPOSED BY DEFENSE AND ACCEPTED BY MAGISTRATE. WHILE DEFENSE MAY WELL LATER PROPOSE FURTHER DELAY, MAGISTRATE'S POSITION FOR REFUSAL ANY FURTHER EXTENSION HAS BEEN STRENGTHENED. EMB ACCORDINGLY RECOMMENDS DEPT'S PUBLIC COMMENTS ON MATTER CONTINUE STRESS GENERAL USG CONFIDENCE THAT SUDANESE JUDICIAL PROCESS WILL LEAD TO APPROPRIATE CONCLUSION. FIRST FORMAL STEP HAS NOW BEEN INITIATED AND DATE FOR NEXT SESSION SET. ADHERENCE SUCH LINE HAD ADDED MERIT NOT APPEARING PUT ADDITIONAL PRESSURE ON GOS, WHOSE SPECIAL SENSI-

TIVITY THIS ISSUE HAS JUST BEEN AMPLY ILLUSTRATED
(KHARTOUM 2147). EMB MAY SUBMIT FUTHER COMMENT
AFTER CONSULTATION SUDANESE LEGAL ADVISER.
BREWER

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